

Chair Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused at the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published July 1, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 8, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

GENERAL ADMINISTRATION

Attention was called to the following proceedings:

Tuesday, July 8, 2003:

B-1595 Commission Hearing Room, Lincoln.
1:30 Marshanette Booker & Sons, dba Safe Transportation Services (S.S.T.S.), Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Douglas County and between points in Douglas County and points in Nebraska including the transportation of clients for the Department of Health and Human Services and subcontractors there. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle chairing.

Wednesday, July 9, 2003:

Rule and Commission Hearing Room, Lincoln.
Regulation The Commission, on its own motion, seeking to amend Title
#156 291, Chapter 13, Modular Housing Unit Construction Rules
9:30 and Regulations, by creation of an ad hoc committee and to adopt rules in accordance with current construction codes. Commissioner Lowell Johnson chairing.

B-1610 Commission Hearing Room, Lincoln.
10:00 J.M. Wolfies, Inc., North Platte, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxicab over irregular routes between points in North Platte and between points in North Platte and points in Nebraska. To include the clients of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Vap chairing.

GENERAL ADMINISTRATION (Cont.)

Thursday, July 10, 2003:

HRV-001 Commission Hearing Room, Lincoln.
9:30 The Commission, on its own motion, seeking to conduct an investigation into the manufactured home installation program (standards, training, licensing and inspection) and dispute resolution program and related issues. Commissioner Vap chairing.

Monday, July 14, 2003:

C-2910 Commission Library, Lincoln. Pre-hearing Conference.
1:30 Lincoln Electric System, Lincoln, seeking contract carrier permit authority. Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

FC-1306 In the Matter of Mid America Pay Phones, Omaha, vs. ALLTEL Communications, alleging unsatisfactory business practices: Commissioner Rod Johnson entered the Commission Hearing Room during the discussion of this docket. Commissioner Landis moved to enter an order granting relief and Commissioner Lowell Johnson seconded the motion. Commissioners Boyle, Lowell Johnson, Landis and Vap voted aye and Commissioner Rod Johnson was present, not voting. The motion passed and an order was entered granting relief.

FC-1309 In the Matter of Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, vs. Qwest Corporation, regarding erroneous billing: Upon agreement of all Commissioners present, complaint was sustained in part and denied in part.

C-2872 In the Matter of Great Plains Communications, Inc., Blair, seeking arbitration to resolve issues relating to an interconnection agreement with WWC License L.L.C., Issaquah, Washington: Gene Hand informed the Commission that an arbitrator's decision has been issued.

C-2920/
PI-72 In the Matter of the Commission, on its own motion, seeking to investigate interconnection options and procedures between Incumbent Local Exchange Carriers (ILECs) and Commercial Mobile Radio Service (CMRS) carriers: Upon agreement of all Commissioners, an order was entered closing the docket.

C-2946 In the Matter of NebCom, Inc., Jackson, seeking authority to modify the common exchange area boundary between the Qwest Ainsworth exchange and the NebCom Long Pine exchange: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2961 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Type 2 Wireless Interconnection Agreement with United States Cellular, Chicago, Illinois, for the state of Nebraska: Upon agreement of all Commissioners, the agreement was approved.

Gene Hand discussed a Qwest Press Release announcing Gretna residents can now receive Qwest high-speed digital subscriber line service.

Gene Hand provided the Commissioners with a copy of an article reporting on a community meeting held in Broken Bow where Qwest addressed questions from residents regarding advanced services such as digital subscriber line service.

Gene Hand discussed the steps Qwest has taken to settle a fraud lawsuit filed in Arizona.

Gene Hand provided the Commissioners with an article about Time Warner Cable launching packet-based voice services.

Upon agreement of all Commissioners, the staff was authorized to participate in a plan to test the efficacy of the national "do not call" list.

UNIVERSAL SERVICE FUND

C-1628/ In the Matter of the Commission, on its own motion, seeking NUSF to establish guidelines for the administration of the Nebraska Universal Service Fund: An order was entered changing Keystone-Arthur's earnings from a one year calculation to three years. Motion made by Commissioner Jerry Vap, seconded by Commissioner Lowell Johnson. Motion Passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting aye.

Jeff Pursley reported on the status of the NUSF Fund.

Jeff Pursley reported on Late-Filed Carrier Remittances and previously approved late-handling fees. The late-handling fee for MCI was waived. No action was taken on the two companies presented on the current report. The Commission instructed Mr. Pursley to prepare a recommendation on a monetary threshold that will trigger late-handling fee action in the future.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley reported on the status of NUSF-26.

UNIVERSAL SERVICE FUND

Jeff Pursley discussed the proposed letter to all carriers in the NUSF data base regarding contact information and NTAP Affidavit.

NATURAL GAS AND WATER DEPARTMENT

Upon agreement of all Commissioners, authorization was granted to open a Limited Request for Proposals Process to select a public advocate and Commission experts in addressing NG-0001, NG-0002 and NG-0003

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase for
NG-0003 Aquila's Rate Area One (Communities include Platts-
mouth, Bellevue, Ralston, LaVista, Papillion, Gretna,
Waterloo, Elkhorn, Valley, and Blair); Aquila, Inc., d/b/a Aquila
Networks (Aquila), Omaha, seeking a general rate increase for Aquila's
Rate Area Two (Lincoln); and Aquila, Inc., d/b/a Aquila Networks
(Aquila), Omaha, seeking a general rate Increase for Aquila's Rate
Area Three (Communities include Adams, Arlington, Ashland, Auburn,
Aurora, Avoca, Bancroft, Battle Creek, Beatrice, Bee, Beemer, Bennet,
Blue Springs, Bradshaw, Cheney, Clatonia, Columbus, Cortland, Craig,
Crete, David City, Dewitt, Dorchester, Eagle, Elmwood, Emerson, Endi-
cott, Exeter, Fairbury, Fairmont, Firth, Friend, Garrison, Geneva,
Grafton, Greenwood, Hallam, Hampton, Hickman, Holland, Horner, Hooper,
Humboldt, Humphrey, Jackson, Johnson, Lindsay, Louisville, Madison,
Manley, Mead, Meadow Grove, Milford, Murdock, Murray, Mynard, Newman
Grove, Nickerson, Norfolk, North Bend, Oakland, Odell, Osceola,
Palmyra, Panama, Pawnee City, Peru, Pierce, Pilger, Plymouth, Rising
City, Rosalie, Schuyler, Scribner, Seward, Shelby, Stanton, Staple-
hurst, Sterling, Table Rock, Tecumseh, Tekamah, Thurston, Tilden,
Uehling, Ulysses, Wakefield, Walthill, Walton, Waverly, Wayne, Weeping
Water, West Point, Wilber, Winnebago, Wymore and York): Upon agreement
of all Commissioners, a Notice of Assessment was entered notifying the
applicant that expenses incurred by the Commission related to the
proceeding will be assessed against the applicant. Upon agreement of
all Commissioners, an order was entered granting in part Aquila's
request for a waiver of proposed rule 004.01G requiring prefiled
testimony.

TRANSPORTATION DEPARTMENT

B-1395 In the Matter of Karibu Enterprises, Inc., dba RT Round Trip
Transport, Omaha, seeking a suspension of the Certificate of
Public Convenience and Necessity issued in Application B-1395 until
September 30, 2003: Upon agreement of all Commissioners, the suspend-
sion was granted and Certificate B-1395 suspended until September 30,
2003.

TRANSPORTATION DEPARTMENT (Cont.)

B-1597 In the Matter of Caring Network, Inc., Omaha, seeking authority as a common carrier of passengers in open class service over irregular routes between points in Douglas, Sarpy, Washington, Cass and Dodge counties by vans. To include the transportation of clients of the Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the Motion for Reconsideration and/or Rehearing was overruled.

B-1609 In the Matter of Judy Mohler, dba Cruising with "Care", Hastings, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage over irregular routes between points within a 100-mile radius of Hastings by van and PT Cruiser. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A video hearing was scheduled for August 20, 2003, at 9:00 a.m. in the Commission Library, Lincoln; Public Library, 2nd Floor, 517 West 4th Street, Hastings; and the Nebraska State Office Building, Room 207, 1313 Farnam, Omaha. Commissioner Rod Johnson will preside as Hearing Officer.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 14 cents and the taxi surcharge at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel	\$ 382.90
DAS - Risk Management	3,640.00
Ted Burkey	600.00
Ted Burkey	1,380.00
Hamilton Communications	80,073.52
NARUC	295.00
Sims Law Office	650.00
Robert Bowman	819.47
John Fecht	706.80
Fred Massing	393.56
Kent Pribyl	383.88
Anne Boyle	86.40
Rod Johnson	260.16

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, authorization was granted for Steve Stovall to travel to Denver, Colorado, from July 21-25, 2003, to participate in a 272 audit of Qwest Communications.

Discussion was held concerning Commissioner's expenses.

Commissioner Vap moved that the Commission go into closed session to consider personnel issues and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:30 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:45 a.m.

Commissioner Boyle moved to recess until 1:20 p.m. The Commission recessed and reconvened at 1:34 p.m. with all Commissioners present.

Upon agreement of all Commissioners, authorization was granted to hire Don Gray as the Telecommunications Technician in the Communications Department.

The meeting adjourned at 1:36 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on July 15, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on July 14, 2003.

Chair

Executive Director